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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in the Sudan

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report on the situation of human rights in the Sudan prepared by Mr. Gáspár Bíró, Special Rapporteur of the Commission on Human Rights, in accordance with Commission resolution 1995/77 of 8 March 1995.

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ANNEX

Interim report on the situation of human rights in the Sudan prepared by Mr. Gáspár Bíró, Special Rapporteur of the Commission on Human Rights, in accordance with Commission resolution 1995/77 of 8 March 1995

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I. INTRODUCTION

1. The present report is the third interim report submitted by the Special Rapporteur to the General Assembly (see A/48/601 and A/49/539) and the fifth overall report by the Special Rapporteur (see also E/CN.4/1994/48 and E/CN.4/1995/58).

2. In its resolution 1995/77 of 8 March 1995 entitled "Situation of human rights in the Sudan", the Commission on Human Rights decided to extend the mandate of the Special Rapporteur for an additional year.

3. In taking up his mandate, the Special Rapporteur addressed a letter to the Government of the Sudan through the Permanent Mission of the Sudan to the United Nations Office at Geneva on 28 July 1995 requesting permission to undertake a mission to the Sudan. As of the date the present report was finalized, the Special Rapporteur had received no response from the Government of the Sudan.

4. Pursuant to the recommendation in resolution 1995/77 that he begin consultations with the Secretary-General on modalities leading to the placement of monitors in such locations as would facilitate improved information flow and assessment and would help the independent verification of reports on the situation of human rights in the Sudan, the Special Rapporteur held consultations with the United Nations High Commissioner for Human Rights and the Assistant Secretary-General for Human Rights concerning the placement of monitors for the envisaged monitoring operation.

5. Between 30 July and 15 August 1995 the Special Rapporteur carried out a mission to Kenya, Uganda and Eritrea. One of the objectives of the mission was to meet government officials, representatives of United Nations agencies working on relief operations in southern Sudan, representatives of international humanitarian and human rights organizations active in the field, Sudanese human rights and humanitarian organizations and individuals who provided him with information in the form of reports and testimonies on the situation of human rights in the Sudan in 1995. Another objective of the mission was to assess possibilities regarding the deployment of human rights monitors. A plan for implementation of a monitoring operation has been drawn up. However, the financial difficulties of the United Nations have prevented the implementation of the monitoring operation at the present time. The Special Rapporteur will provide a full account on this project in his final report to be submitted to the Commission on Human Rights at its fifty-second session.

6. With regard to the legal framework within which the Special Rapporteur has carried out his mandate, considered information concerning allegations of human rights violations and assessed the compliance of the Sudan with its international obligations, the Special Rapporteur has identified obligations arising under both international human rights law and international humanitarian law. These obligations have been described most recently by the Special Rapporteur in his interim report to the General Assembly (A/49/539, paras. 14-19).

II. REPORTED HUMAN RIGHTS VIOLATIONS

A. Violations by the Government of the Sudan

1. Extrajudicial killings and summary executions

7. Since the outbreak of the civil war in southern Sudan in 1983, it is estimated that at least 1.2 million individuals have lost their lives. During the past five years thousands of civilians are reported to have been killed in deliberate and indiscriminate attacks, including aerial bombardments on civilian targets by government forces. In the Nuba Mountains, a large number of civilians, including women and children, Muslims and Christians alike, have been killed in these attacks or summarily executed. Others are reported to have lost their lives as a result of brutal torture in secret detention centres run by the security organs or in military barracks, and tens of army officers have been summarily executed after secret trials by special courts. Previous reports of the Special Rapporteur contain details regarding these facts.

8. During his recent fact-finding mission, the Special Rapporteur received testimonies confirming previous reports indicating that in the war in southern Sudan prisoners of war are an exception. Those captured have been and are being tortured and summarily executed. This practice is particularly prevalent in the case of local chiefs, soldiers belonging to different rebel factions and those civilians who are suspected of actively collaborating with the Government of the Sudan or one of the rival factions. If a prisoner is captured and he refuses to change sides, he is cruelly tortured and executed.

9. In June 1994, government troops reportedly entered Loka and took reprisals against the civilian population. A man who left the area on 24 July 1995 told the Special Rapporteur that on 18 June 1994 a group of 37 government soldiers deported 73 families from the Jebel Loka area. According to the witness, 24 men were separated and taken to Loka barracks where they were interrogated immediately upon arrival. During interrogation those men who denied that they were actively involved with the Sudan People's Liberation Army (SPLA) as soldiers or collaborators were beaten. Seven who had refused to cooperate with the Government were summarily executed: Chief James Wani (age not mentioned), David Lupai (58 years), Samuel Wani (15 years), Moses Lupai (22 years), Samson Juma (28 years), Deng Ayol (age not mentioned) and Moro Juma (26 years). The witness stated that 15 men agreed to join the government troops and 2 others were taken to Juba. Several other sources reported similar incidents. Therefore, the Special Rapporteur concludes that killings and summary executions continued to take place in southern Sudan in 1995. Instances of extrajudicial killings and summary executions by parties to the conflict other than the Government are described in the section of the present report on violations and abuses committed by those parties (see paras. 65-69 below).

10. Indiscriminate and deliberate aerial bombardments by government forces on civilian targets continued in 1995. In the Nuba Mountains on 21 June 1995, an Antonov aircraft operated by government forces dropped 22 bombs on Regifi and surrounding villages starting at 9 a.m. Six civilians were killed and 12 others were seriously injured. Eyewitnesses reported that the bombardment was concentrated on a densely inhabited area, indicating an intent on the part of

the Government to terrorize the civilian population and to force people to flee the area. The airstrip at Regifi was also targeted. In September bombardments were also reported on Chukudum (bombed twice on 10 September) and on targets near Nimule and Mughale, seriously disrupting operations of Operation Lifeline Sudan (OLS).

11. In the course of student demonstrations held at Khartoum University between 11 and 14 September 1995, at least five persons were reported to have been killed by security forces who indiscriminately opened fire on demonstrators. A joint urgent appeal on behalf of Abdal Rahman al-Amin and Fyz Muhammad Ali dated 18 September 1995 was transmitted to the Minister for Foreign Affairs of the Sudan by the Chairman of the Working Group on Arbitrary Detention and the Special Rapporteurs on the question of torture and on extrajudicial, summary or arbitrary executions, and the Special Rapporteur on the situation of human rights in the Sudan. At 10 a.m. on 13 September gunmen in plain clothes were reported to have shot dead student Rahmtalla Abdel Rahman after entering the Faculty of Engineering at Khartoum University

2. Enforced or involuntary disappearances

12. As mentioned in the section of the present report on arbitrary arrest and detention and due process of law (paras. 17-23), victims are held in incommunicado detention for months at a time. In cases where the relatives contact the competent organs to inquire about the arrest or whereabouts of the missing person, the authorities refuse to release any information on the arrest or whereabouts of the detainees. Accordingly, the missing person is reported to have disappeared. It is widely believed, however, that thousands of persons have disappeared in the past few years as a result of this practice of the Government. The vast majority of these cases remains unknown to the public and consequently are undocumented. This is particularly true in the case of unaccompanied minors who are rounded up by the police on the streets of major towns in northern Sudan, as described in detail in the section of the present report on the rights of the child (paras. 40-56). A typical case that displays elements of involuntary disappearance was reported by a witness from whom the Special Rapporteur received testimony in August 1995. A southern boy, M. B. C. (aged 14), was rounded up by the police on 19 February 1995 in the market of Suk el Arab in Khartoum during the daytime. The father, B. C., learned of this from other children who witnessed the abduction. When the father contacted the authorities they denied any involvement, but registered the name of the boy. A few days later the father learned from a boy called Akec (aged 10), who had managed to escape, that his son had been taken to the khalwa (Koranic school) of Fatihab, Omdurman. Akec had managed to escape from there. When the father went to the khalwa, he learned that a group of children, including his son, had been removed to an unknown place. As of 17 March, when the witness reporting the case to the Special Rapporteur had left Khartoum, the whereabouts of M. B. C. were not known, and it was feared that he would never be reunited with his family.

13. In August 1995, the Chairman of the Working Group on Enforced or Involuntary Disappearances took up the case of Isaac Ghanian, the pastor of the Dere and Abri churches, in Southern Kordofan. He reportedly was taken into

captivity by government armed forces on 1 March 1995. The troops, based at Dellami, reportedly attacked the village of Dere and abducted 300 persons, including the pastor. His fate remains unknown. The Working Group decided to transmit with this allegation a summary of reports that it had received about developments in the Sudan having an influence on the phenomenon of disappearances, namely the case of persons held in incommunicado detention and the abduction of children and women from southern Sudan and the streets of northern towns.

3. Torture and other cruel, inhuman or degrading treatment

14. During his recent mission, the Special Rapporteur received further testimonies by victims of torture. S. T. (aged 42) from Kassala gave to the Special Rapporteur both a verbal testimony and a handwritten declaration on his case. Excerpts from his written declaration state:

> "I was arrested on 10 January 1995 and released in March 1995. That was after a long period of torture. The torture was applied to many parts of my body, including the head, the eyes and the genitals. During [my] detention my wife was compromised by members of the Sudanese security, then she became pregnant. I was continuously moved [during detention] from one 'ghost house' [a secret detention centre] to another while blindfolded. I was able to recognize one of the detention centres which is near the General Command of the National Armed Forces in Khartoum. This centre is supervised by foreign elements trained in the various methods of torture for political reasons. They have used many instruments, such as electric chairs. Many Sudanese political detainees have died inside these detention centres without the knowledge of their relatives. Also my son was arrested as were other sons of political detainees opposing the regime."

Puncture wounds, which the victim explained were caused by nails being driven into his arms and the soles of his feet, were clearly visible to the Special Rapporteur. Numerous burn marks were also seen on his torso. The victim's eyes were inflamed and blood-shot from gas that had been sprayed into his eyes during his detention.

15. Several student demonstrations took place in 1995 in Khartoum and other towns in northern Sudan, the latest ones occurring in September. Among the numerous allegations are reports that one of the methods used by the police and security forces while breaking up the demonstrations was the intentional breaking of the limbs of the participants arrested. As pointed out in the joint urgent appeal of 18 September (see para. 11 above), there were allegations that the security forces had been instructed to break the arms of demonstrators. The appeal mentions the name of Mutaz Abdel Mon'in Khalifa, who it is reported had both arms broken by security agents who arrested him. He was subsequently released.

16. The excessive, indiscriminate and brutal use of force during other similar occasions was also reported. On 28 February 1995, for instance, 28 female relatives of the officers who were summarily executed in April 1990 marched in the streets of Khartoum shouting the names of their executed relatives and

handing out leaflets with poems and photographs of the officers. It was reported that they were met by security and police forces at the University. Security forces severely beat the women and children until their clothes became soaked with blood. Several women were arrested and they were reportedly beaten, threatened with rape and forced to stand on the roof of the security headquarters building for an entire day in the oppressive heat. In the evening they were sent home, but not before being ordered to report back to security headquarters the next day. Since 1991 these women and their children have been constantly harassed, even on occasions when they commemorated the execution of their husbands, brothers and fathers in private. Protests by international human rights organizations, as well as the concerns expressed by the Special Rapporteur in regard to this case to the competent authorities, including the Minister of Justice and Attorney General during his visits in the Sudan in 1993, have been ignored completely by the Government of the Sudan.

4. Arbitrary arrest and detention, and due process of law

17. During 1995 hundreds of political opponents or people merely suspected of being potential opponents to the regime have been arrested and held in detention for days, weeks or even months without warrant or any concrete charges. In most cases relatives are not informed about the whereabouts of those detained and, therefore, there is a fear that the persons detained have been the victims of enforced or involuntarily disappearances.

18. Former Prime Minister Sadiq al-Mahdi, an imam of the Ansar order and the leader of the Umma party, was arrested on 16 May 1995 on charges of "involvement in subversive activities". The charges reportedly never formed the object of a formal investigation and he was held in detention under harsh conditions until the end of August. During this period the Government never officially informed his relatives where he was being detained. A few days after the arrest both the leadership of the Umma party and the Ansar issued statements of protest to the Head of State. They noted inter alia that:

> "Since the beginning of this regime the Ansar have been subjected to continuous harassment and intimidation which started with intimidating their leadership, confiscating their properties and denying them their civil rights and their freedom of expression. The Ansar imams and preachers have been subjected to harassment and imprisonment. The Grand Mahdi's Mosque which includes the Mahdi's Tomb and the Ansar Headquarters has been confiscated.
>
> "The Ansar tolerated all these injustices with great restraint and patience to save the country bloodshed and armed conflicts, following the directives of their leadership which advocate wisdom and civil struggle.
>
> "On 16 May 1995 the authorities arrested Sayed al-Sadig al-Mahdi, the leader of the Ansar Movement, although he consistently continued to preach non-violence and warn against the danger of allowing the country to slip into civil war as a result of government repression that pushes the opposition to resort to violent means. Al-Sadig al-Mahdi preaches justice for all, thus adhering to a cardinal Islamic principle that dictates upon

the Muslim to advocate for justice and deny evil. 'That who is not concerned about the plight of Muslims is not a Muslim', as the prophet says."

19. Following this protest more than 200 prominent figures of the party and religious leaders were arrested in Khartoum and in the province. It was reported that most of the detainees were subjected to ill-treatment in detention.

20. A similar wave of arrests was reported in Port Sudan in May 1995 when 15 workers were arrested. A large number of persons, including tens of students, were also arrested following student demonstrations in Khartoum in August and September. Three well-known lawyers were also arrested: Mustafa Abdel Gadir (aged 60), former Secretary-General of the banned Sudan Bar Association, Ali El-Sayed (aged 50), advocate, and Bushra Abdel Karim, advocate and former Secretary-General of the banned Sudanese Youth Union.

21. The arbitrary character of detention and the lack of due process of law reported during 1995 are demonstrated by other practices of the Government. People receive summonses to report daily, as early as 6 a.m., to security headquarters, where they are obliged to stay until the evening. In a significant number of cases, this practice reportedly lasted for several weeks. Formal investigations are not usually carried out. As reported to the Special Rapporteur, the purpose of this practice appears to be intimidation and harassment by preventing the individuals from accomplishing their normal activities (sometimes with serious consequences for them and their families).

22. Although the Government closed one of the most notorious and well-known secret detention centres in Khartoum (located near the City Bank), a measure which is to be welcomed, the Special Rapporteur received during his recent fact-finding mission testimonies indicating that other similar, lesser known detention centres continue to be used by the security organs.

23. On 23 August 1995, the Sudanese National Security Council announced the release of all political detainees within 72 hours, another measure which is also to be welcomed. The Special Rapporteur, however, received reports in September 1995 that not all detainees had been released, despite the publicly announced decision to that effect. For instance, retired Brigadier Mohammed Ahmed Al-Rayah, whose case was addressed in detail in previous reports (A/48/601, annex, para. 47, and E/CN.4/1994/48, para. 44), reportedly was not released because he refused to retract his complaint from 1993 accusing security officers by name of torturing him during investigations. Moreover, on 5 September it was reported that 13 people were still being detained and, as mentioned, a large number of new arrests reportedly have taken place in the meantime.

5. Provisions of penal legislation inconsistent with international norms

24. In its resolutions 1994/79 of 9 March 1994 and 1995/77 the Commission on Human Rights called upon the Government of the Sudan to comply with

international human rights instruments and to bring its national legislation, which would include the 1991 Criminal Act, the legislation regarding the rights of the child and the civil status of women, into accordance with the instruments to which the Sudan is a party. The Commission also called upon the Government to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in the relevant instruments.

25. The Special Rapporteur did not receive any communication concerning any initiative on the part of the Government to bring into accordance with international law parts of the Sudanese legislation, including those indicated in the previous paragraph, inconsistent with the international human rights instruments to which the Sudan is a signatory party. These inconsistencies were discussed in detail in the Special Rapporteur's previous reports with the corresponding conclusions and recommendations, confirmed and reflected by the resolutions of the Commission on Human Rights of 1994 and 1995.

26. It is worth noting that during the past two years the Government of the Sudan in its extensive written replies to the Special Rapporteur's reports did not put forward one single argument supporting the consistency of the analysed provisions of its State legislation with applicable international human rights norms and standards.

6. Slavery, servitude, slave trade, forced labour and similar institutions and practices

27. Following the publication of the 1994 report on the situation of human rights in the Sudan (E/CN.4/1994/48 of 1 February 1994), the Commission on Human Rights called repeatedly upon the Government of the Sudan: (a) to investigate without delay the cases of slavery, servitude, slave trade, forced labour and similar institutions and practices brought to its attention; (b) to bring to justice the perpetrators in accordance with articles 161 (abduction), 162 (kidnapping), 163 (forced labour), 164 (unlawful confinement) and 165 (unlawful detention) of the 1991 Criminal Act; and (c) to comply fully with the relevant provisions of the 1926 Slavery Convention and the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, to which it is a signatory party, and to take all the appropriate measures to put an end to these practices immediately.

28. The Special Rapporteur expresses his regret not only with regard to the total lack of interest shown by the competent Sudanese authorities with regard to the investigation of the cases brought to their attention over the past years, but also his concerns about the fact that since February 1994 there has been an alarming increase in the number of reports and information emanating from a large variety of sources on cases of slavery, servitude, slave trade and forced labour. Cases of abduction, sale of and traffic in children and women are treated in the sections of the present report on the rights of the child (paras. 40-56) and the rights of women (paras. 57-60), for reasons explained there.

29. Although the Bahr al Ghazal and the Nuba Mountains area are the most affected by this phenomena, reports were received from all over southern Sudan on the abduction of men, women and children by the Government of the Sudan army, the Popular Defence Forces (PDF), government armed local militias and groups of mujahidin fighting the war in southern Sudan on the Government's side. Therefore the use of the word "phenomena" is justified in this respect, since the abduction of southern civilians, men, women and children, whether Muslims, Christians or of traditional African beliefs, regardless of their social status or ethnic belonging, became a way of conducting the war. As was already mentioned in one of the previous reports in relation with the situation in the Nuba Mountains: "PDF and army units are given orders to collect civilians - mainly women, children and elderly men - and to take them to the Government of the Sudan-controlled peace villages" after fighting has taken place and SPLA units have been forced to leave a particular area or village (A/48/601, annex, para. 88). Similar cases were described in the 1994 interim report (A/49/539, para. 57).

30. During his recent mission, the Special Rapporteur received testimonies on regular abductions that had taken place in Gogrial during joint incursions by the army, PDF and armed militias. For instance, S. A. D. (aged 41), a man who had left Mayen Abun on 25 July 1995, told the Special Rapporteur about a number of men from Mayen Abun area who had been captured by government troops between April 1994 and May 1995. Some of them had managed to escape and shared their experience with the witness. A. B. P. (aged 34) was captured in January 1995 and managed to escape on the way to Abiey. M. A. D. (aged 22), captured on the same occasion, reportedly escaped while the group was crossing the Bahr al Arab. M. A. A. (aged 33) and A. D. A. (aged 40) were captured in April and May 1994 and managed to escape from El Muglad. R. M. (aged 45) was captured in December 1994 and escaped in April 1995, in poor health. D. M. M. (aged 32) was captured in May 1995 and escaped in July 1995 from a place between El Muglad and Babanusa, where, according to the witness, there is a guarded compound surrounded by a fence, reportedly built for the temporary detention of those captured during incursions in Gogrial and other areas in Bahr al Ghazal. At the time of the interview, the witness believed that the escaped men were still in Gogrial. He mentioned the names of three other men, Mawien Deng Duot, Atem Luat Akok and Akuei Riak Ajuot, who died following their capture while being transported northward. The witness added that he had learned from the persons indicated above that some of those captured had been transported northward via Babanusa, El Nuhud and El Obeid by camel caravans. He indicated that Kababish was one of the destinations. Some women "are used as wives by the soldiers", the witness said, and mentioned the name of A. M. A. (aged 21), who had managed to escape from captivity and had returned to Mayen Abun pregnant. At the time of the interview, the witness believed the woman was still in that area. The existence of the detention place between El Muglad and Babanusa was corroborated by the testimony of A. M. (aged 39), who left Aweil on 29 April 1994.

31. During April and May 1995 it is reported that a train proceeding from Babanusa to Wau was used to transport civilians abducted during raids in the area carried out by government forces. A. A. (aged 42), who left Gogrial in July 1995, gave the following testimony to the Special Rapporteur. In mid-May, PDF troops left the train in Aweil and raided Gogrial and the surrounding areas.

Some of the locations targeted were Kuajok, Karic and Manyok. PDF troops took thousands of cattle and abducted some 500 women and 150 children (between 5 and 12 years of age). Men were taken especially from Manyoc. According to the testimony received:

> "Women and children were taken to Aweil. They had to walk first to Udhum, where they were loaded on the train. This happens only when the capture is big, because then relatives who work in Aweil could recognise them. Therefore, they have to bypass Aweil by foot. When there are only a few children, they are hidden on the train. Once in Babanusa, children are taken by Dawa Islamiyah, an Islamic non-governmental organization active in the field of education, while the Government claims that they are displaced children. Big boys are distributed as workers in Al-Dhein, Abu Gabra, Sibdu, Kareiga, Meiram and El Muglad. They work in the fields or as servants."

The witness added that in February 1995 he had met a Dinka man (aged 35) from Gogrial who escaped from Kareiga, where he was working for two years. He had been caught in Akon, where he was a cultivator. This testimony is corroborated by previous findings of the Special Rapporteur as well as reports and information emanating from a large number of independent sources who have conducted field investigations. This information shows a consistent pattern of abduction of women and children from Bahr al Ghazal by the government army, PDF troops, government armed militias, as well as mujahidin accompanying them during incursions and raids conducted from train convoys guarded by the military proceeding to Wau. In several instances, United Nations relief trains distributing food in the area during stopovers have been followed a few weeks later by military convoys; people who approach the militarily-guarded trains anticipating the distribution of food have become easy victims for the captors.

32. Following an attack on 21 February 1995 by the government army on the village of Toror, Umgurban county in the Nuba Mountains, it was reported that at least 250 civilians were abducted by soldiers. Relatives believe that those abducted were taken to one of the "peace villages" in Kordofan: Um Dorein, Agab or Um Sirdiba.

33. All the reports and information received indicate the direct and general involvement of the government army, PDF, government armed militias and mujahidin groups, backed by the Government of the Sudan and fighting besides the army and the paramilitary units, in the abduction and deportation of civilians from the conflict zones to northern Sudan. The places where those captured are temporarily detained before reaching their final destinations are also operated by army, PDF and/or mujahidin units. In the light of this information, the Special Rapporteur concludes that the total passivity of the Government after having received information for years regarding this situation can only be interpreted as tacit political approval and support of the institution of slavery and the slave trade. Repeated reports have indicated the involvement of local wealthy civilians, often well known for their close relations with the Government. It should be noted that all these practices have a pronounced racial aspect, as the victims are exclusively southerners and persons belonging to the indigenous tribes of the Nuba Mountains. Among the latter group, even Muslims are enslaved.

7. Freedom of thought, conscience and religion

34. Reports on the destruction of mosques in the Nuba Mountains reached the Special Rapporteur during 1995. The mosques were reportedly desecrated, burnt down and looted, allegedly because of the officially expressed claim that the central Government "knows better Islam" than the indigenous Nubans. It was reported that during 1995 the mosques in the following locations in the Nuba Mountains were desecrated, burnt and/or looted: Kumu, Toror, Um Derdu, Tajura, Kuchama, Kodi and Kauda.

35. Reports continue to be received on enforced Islamization in the government-controlled areas in the conflict zones and among displaced southerners in northern Sudan. Food and relief, including medicines and clothes, are among the means used to force people to convert to the Islamic religion. The displaced persons who reject Islam, inter alia, are refused shelter and relief.

36. Alarming reports were received on cases in southern Sudan where those who refused to convert and to send their children to a khalwa, were killed. During his recent mission, the Special Rapporteur received testimonies, including an eyewitness account, on the summary execution of 12 civilians, men, women and children, at Lobonok on 3 May 1995, at noon. At the end of April, following fighting which reportedly had lasted almost three months, government troops entered Lobonok. The local population was forced to convert to Islam, children were dressed in white djellaba and given Arabic names. Although some adults did convert to receive food, the group mentioned above was executed because they refused to convert and to send their children to the khalwa. According to an eyewitness, Victoria Yakisuk (aged 55), Salivar Yugu (aged 45) and Redendo Wani (aged 40) were killed after trying to run away into the bush; and Loku Mario (aged 35), Gumat Mario (aged 18), Yugu Mario (aged 10), Pitia Mario (aged 7), Redendo Tombe (aged 15), Renado Keny (aged 26), Kaku Tombe (aged 55), Kaku Lege (aged 12) and a middle-aged woman whose name the witness could not give, were lined up and shot dead. Kaku Lege, a girl 12 years of age, was reportedly raped before being killed. The eyewitness claimed that the killings were carried out by a group of 12 soldiers in uniform.

8. Freedom of expression, association and peaceful assembly

37. Freedom of speech and of the press continue to be severely restricted by the Government of the Sudan in 1995. Journalists who are suspected of opposing the regime are harassed, arrested or forced into exile. Both local and foreign journalists must register with the Journalists Committee, linked to the government-appointed National Council for Press and Publication. Unlicensed journalists reportedly face one month in prison and a fine of 500,000 Sudanese pounds. Some journalists must sit for an examination to prove their ability.

38. In August 1995, security organs reportedly raided a number of offices and homes of businessmen supplied with fax machines, confiscating many of them. To use a fax machine, one reportedly needs approval from the Ministry of Commerce, a licence from the Ministry of Telecommunication and clearance from the security forces.

39. Political parties and all non-governmental organizations that are not affiliated with the Government continue to remain banned. The Criminal Code of 1991 declares as an unlawful assembly a gathering of more than five persons without prior approval by the competent State authorities. The independence of the judiciary continue to be seriously curtailed by government restrictions and interference.

9. The rights of the child

General aspects

40. The Special Rapporteur notes with regret that the introduction to the similar section in his previous report (E/CN.4/1995/58, para. 21) must be cited again:

> "In his previous report to the Commission on Human Rights (E/CN.4/1994/48, paras. 86-101), the Special Rapporteur paid considerable attention to violations and abuses against children in the Sudan. He noted that in the north of the country most of these violations and abuses are taking place with the knowledge of the competent organs of the Government of the Sudan or are even initiated and directed by these organs. In the south, all parties to the conflict are to be held responsible in this respect."

41. After a careful examination of all reports and information received, the Special Rapporteur concludes that in northern Sudan the situation did not improve during the period between January 1995 and the date of the completion of the present interim report. The Special Rapporteur has not received any communication from the Government regarding the questions raised in his previous reports and at the same time the Government did not put forward any explanation or substantial denial in relation to the most serious abuses and violations, namely those committed against children living or working in the street and the camps set up for children belonging to these categories.

42. As will be substantiated below, the Special Rapporteur continues to receive reports of the practice of arbitrarily rounding up children from the streets of the major towns of northern Sudan, including the capital city, and of sending them to special camps where: (a) they are subjected to a cruel and inhuman treatment; (b) they are ideologically indoctrinated; (c) non-Muslims are forcibly converted to Islam and have their identity changed by being given Arabic names; and (d) in some cases, they are trained by the military in order to be sent to southern Sudan to fight the war.

43. From the information received from eyewitnesses who had direct experience regarding the practices described in the present report or were involved as persons responsible for carrying out activities in relation to children, the Special Rapporteur concludes that the existence of a centrally coordinated government policy is at the origin of most of the violations and abuses of the rights of the child, as described above and in the previous reports. As one element of this policy, the reluctance of the Government of the Sudan to make the necessary amendments to bring its national legislation into accordance with

the provisions of the 1989 Convention on the Rights of the Child (resolution 44/25) must be highlighted. The Special Rapporteur did not receive any communication in this regard and is not aware of any sign indicating future change in the policy of the Government of the Sudan.

44. Although the Sudan was among the first signatories to the Convention on the Rights of the Child, the Government of the Sudan flagrantly violates several provisions of this instrument. Article 3.1 states: "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be of primary consideration." In addition, provisions of the Convention concerning the principle of non-discrimination (art. 2), the right of the child to an identity (arts. 8 and 30), the prohibition of separation from the family against the will of the child (art. 9.1) and the right to liberty (arts. 37 and 40), as well as provisions that require the State to provide the necessary safeguards to protect the rights of the child (such as arts. 12.2 , 19 and 20) are infringed. Articles 35, 38 and 39 of the Convention, regarding the abduction, sale of or traffic in children, and the situation of children in armed conflicts, are completely disregarded by the Government of the Sudan and the agents and organizations acting under its authority, on its behalf or with its active support.

45. Since the overwhelming majority of the victims are children belonging to southern tribes or tribes from the Nuba Mountains and the Ingassema Hills, the racial aspect of the violations cannot be disregarded. The Special Rapporteur believes that the racial dimension of the violations and abuses against children living in northern Sudan, or, in the case of children in southern Sudan, those who are abducted and sold into slavery constitutes a particularly grave and alarming circumstance, which should be of particular concern from a human rights perspective.

46. As far as the situation in southern Sudan is concerned, hundreds of thousands of children continue to live in insecurity in the conflict zones, in danger of being abducted, exposed to lasting psychological trauma, or living in inappropriate conditions.

47. A new ground-rules agreement of cooperation with OLS was signed in July 1995, by John Garang, leader of the Sudanese People's Liberation Movement/Army (SPLM/A) and in August 1995 by Riek Machar, leader of the South Sudan Independence Movement/Army (SSIM/A). In the agreement, they declared themselves supportive of the provisions of the Convention on the Rights of the Child. Consequently, under the auspices of the United Nations Children's Fund (UNICEF) and OLS, a series of seminars and training courses focusing on human rights were conducted for southern politicians and relief workers of the relief organizations run by these factions, with special emphasis on the rights of the child as recognized by international instruments. This initiative by UNICEF and OLS is to be welcomed and future programmes are to be encouraged.

Children living or working in the street

48. The practices described in previous reports of arbitrarily rounding up children from the streets of the capital and major towns in northern Sudan and

detaining them in special camps usually situated in remote areas continued to take place during the period under examination (see E/CN.4/1994/48, paras. 89-94, and E/CN.4/1995/58, paras. 26-34).

49. From the numerous reports received, the following case contains all the elements illustrating the negative aspects of this practice. In September 1994, the federal Government ordered Sinnar state local authorities to collect street-children from the towns of the state. The order was issued by the Ministry of Social Planning in Khartoum and addressed to the Governor of Sinnar state, who transmitted it to the state Minister of Health. The implementation of this order started immediately and between September and December 1994 130 children between the ages of 7 and 18 years were rounded up in the towns of Sinnar, Sinja, Dindir and Suki. The number of children collected was insufficient to establish a separate camp and, therefore, the authorities decided to transport the children to Soba transitional camp in Khartoum. In the meantime, some of the children managed to escape from Sinja, where the group was gathered temporarily. The fate of those who remained in detention is not known.

50. Prior to this event, beginning in April 1994, the Government of the Sudan exerted pressure on the local government in Sinnar state to create a separate camp within the khalwa run by an Islamic organization in Mabrouka, Dinder province. The aim was to provide military training for some of the boys in the school. It is to be noted that the age of the children in the school at that time was between 5 and 16 years. Local authorities at the level of state ministries refused the request, preferring to keep the management under the control of the traditional leaders who had run the khalwa since its establishment, with the consent of the latter. The latest information on the situation is from February 1995, when the school was still under the authority of the sheikh, who was the manager before that date.

Abduction of children

51. A number of cases of abduction of children from southern Sudan were presented in the section on slavery and similar practices (see paras. 27-33 above). In his previous reports, the Special Rapporteur addressed the issue of abduction of children in both sections, as in the present report, because the effects of this practice is twofold. Some of the boys abducted from southern Sudan, as well as those rounded up from the streets of northern towns, are used as servants, while the girls become concubines or wives, mainly of soldiers and PDF members in northern Sudan. Another category of children, especially Dinka boys as young as 11 or 12 years, reportedly receive military training and are sent by the Government of the Sudan to fight the war in southern Sudan. A further aspect that makes the differentiation necessary is that children in the first category were, in a few cases, retrieved by their relatives and after long negotiations and compensation had been paid to the captors were reunited with their families, as described in document E/CN.4/1994/48, paragraph 95.

52. In 1994, a camp for boys aged between 6 and 16 years was reportedly set up in Damazin province, south of the town of Damazin. In December 1994, approximately 1,000 boys were in that camp, all belonging to the indigenous Ingassema Hills population. The children were brought to that camp by the police because, according to testimony received by the Special Rapporteur from an

individual who had visited the camp twice, "they walk naked and are non-believers". Islamic education is being provided under the control of the local state government. The Special Rapporteur was told that collecting children and bringing them into the camp was an ongoing operation; in January, the number of inmates had increased to approximately 4,000.

The status of minors under the Criminal Act of 1991, with special regard to punishments under the law, including the death penalty

53. The Special Rapporteur must reiterate the conclusion reached in his previous reports, that there has been no change in this regard. According to article 27(2) of the Criminal Act of 1991 it is still possible to pass a death sentence on a minor as young as seven in certain cases prescribed by the same Act.

Sale or traffic of children

54. Again the Special Rapporteur must reiterate that he is not aware of any action taken by the Government of the Sudan to investigate cases brought to its attention or to bring an end to the practice of the sale of and traffic in children. The inactivity and the total disregard by the Government of the call upon it by the competent United Nations organs during the past two years cannot but lead to the conclusion that the practice of the sale of and traffic in children meets with the tacit approval of the Government of the Sudan.

The right of the child to an identity and an education

55. The practice of forcibly changing the names of children taken to special camps continued unabated in 1995. The same applies to abducted children or those subjected to sale or traffic.

Children in the conflict zones

56. Further details of the situations described in the introduction of the present section (see paras. 40-47 above) will be discussed in the final report to be submitted to the Commission on Human Rights.

10. The rights of women

57. The Special Rapporteur did not receive any information in 1995 on amendments aiming to bring the State legislation concerning the legal status of women into accordance with international instruments, particularly the Charter of the United Nations, as analysed in detail in the 1994 report to the Commission on Human Rights (E/CN.4/1994/48, paras. 102-108). Consequently, the Special Rapporteur should reiterate the earlier conclusion that differentiation between men and women in matters relating to civil capacity, such as the ability to bear witness of full value, infringes on one of the basic principles of the Charter: the principle of equality of men and women. The Special Rapporteur is not aware of any preparatory act that would indicate that the Sudan is willing to accede to the 1979 Convention on the Elimination of All Forms of Discrimination against Women, as was recommended in his previous reports.

58. The Special Rapporteur received information from sources outside the Government of the Sudan about the release in August 1995 of female detainees who have children. Some of the sources mentioned that the Director-General of Prisons, Major General El Sheikh al Rayah, had issued a report in July 1995 drawing attention to the serious deterioration of prison conditions. It was stated that the report indicated that there were 1,000 sick women in jail and 300 children with their imprisoned mothers and it called for the release of all prisoners with children and those serving sentences shorter than six months. During his 1993 visits to the Sudan the Special Rapporteur had criticized conditions in the women's section of Omdurman prison and the treatment of inmates. He also dedicated a detailed analysis in his previous report to the Commission on Human Rights on the causes of the high number of women detainees in State prisons in northern Sudan and drew attention to the numerous deficiencies in the legal procedures and abuses and violations of which convicted women had been victims during the past five years: rape in police custody, malnourishment, enforced conversion to Islam, physical assault and other forms of harassment. While the release of women detainees is to be welcomed, the Special Rapporteur again draws attention to the need to take urgent measures aimed at the elimination of the underlying causes that lead to the detention of women, in particular the criminalization of traditional practices of southerners (namely, the brewing and sale of alcohol) and, in general, the improvement of the social condition of displaced women.

59. As emphasized in previous reports, one of the circumstances leading to abuses against women is the practically unlimited powers granted to members of the Popular Police Forces and the People's Committees "in the preservation of the moral health of the society". Article 5, chapter I of Constitutional Decree No. 7/1993 concerning private and public life states as follows:

> "Public life comprises functions, responsibilities and endeavours which are performed by the armed, police and security forces in defence of the nation and for the security of society. Public officials and professionals shall be entrusted with its management. Likewise private life has socio-economic functions, entrusted to officials working for society's welfare."

60. With regard to the situation of women in general in the Sudan, the problems highlighted in the previous reports have not been solved. The Special Rapporteur continues to receive reports on the same violations, abuses and harassments described in prior reports. The Special Rapporteur can only reiterate the view that women and children are among the most vulnerable groups targeted by agents acting for and in the name of the Government of the Sudan. Rape continue to be reported as widespread (among the perpetrators being members of all parties to the conflict), together with regular reports on the subjection of women to forced labour for military and paramilitary units and groups.

11. Freedom of movement and residence, including the right to leave or return to the country

61. The Special Rapporteur is not aware of any change concerning the arbitrary restrictions of freedom of movement reported during the past years on those who had been detained by the security forces (see E/CN.4/1994/48, para. 109; and E/CN.4/1995/58, para. 47). Different types of restrictions on the freedom of movement of political opponents and displaced persons still persist. Members of international non-governmental humanitarian organizations reportedly continue to meet difficulties in travelling throughout the country. The Nuba Mountains or the Ingasema Hill areas are forbidden zones for any independent human right monitoring or relief activity. The practice of arbitrary denial of flying clearances to certain locations in southern Sudan continued during 1995.

62. The Special Rapporteur received reports on arbitrary restriction of the freedom of movement of Eritrean refugees in eastern Sudan. Owing to other reported harassments and violations of their human rights, their situation appears to have deteriorated seriously in 1995. The Special Rapporteur will dedicate a separate section to this problem in his final report in 1996.

63. A new phenomenon which occurred in northern Sudan at the end of 1994 consists of various forms of restrictions on the freedom of movement and registration of the population based on households and neighbourhoods to ensure the conscription of as many young men to the army as possible in the shortest period of time, outside the framework of the normal, periodic presentation for military service of certain categories of youth. Two basic methods are reported, both of which lead to a series of abuses. The first method consists of the mandatory issuing of ration cards to each family for certain items. These cards, which are valid for one year, contain extensive data on each family member, including name, age, sex, education, profession and place of birth. Popular Committees are in charge of following up whether the cards are up to date and correctly filled out, which means that members of the Committees can enter any house at any time and investigate whether the situation is in accordance with the information on the card. In case they come across a young man, army headquarters is contacted and the person is forcibly conscripted into the military. The Special Rapporteur received testimony on the case of three southern students, J. D. K. (aged 21), M. K. (aged 19) and M. M. (aged 23), who where rounded up from their homes in Khartoum by an army unit following an intervention by members of Popular Committees on 15 and 27 February 1995. Another method is to round up young men from the streets or public transportation vehicles and take them directly to the military training camps without the knowledge of their parents. It is worth mentioning that, according to independent sources, the Transitional National Assembly criticized the conscription programme in April 1995 because it was improperly organized and because too much force had been used during its implementation.

64. The Special Rapporteur received reports on formal restrictions on travel abroad imposed recently on medical doctors who are Sudanese citizens. It was also reported that in July 1995 the Ministry of Foreign Affairs had issued a directive regarding the mandatory registration at Sudanese embassies of all Sudanese citizens working or studying abroad. Failure to complete the related form is sanctioned by the refusal to renew passports or to approve a renewal of

the work contract, which is of concern in the light of the previously reported practice of the Sudanese embassy in Cairo of arbitrarily retaining passports forwarded for the issuance of a visa or renewal of a passport (see for instance E/CN.4/1995/58, para. 48).

B. Abuses by parties to the conflict in southern Sudan other than the Government of the Sudan

65. In 1995 periods of relative calm in southern Sudan alternated with incidents that led to killings and the displacement of thousands of civilians owing to interfactional fighting or abuses and atrocities committed by local dissident commanders. While in several areas the need for food decreased with a good harvest, 40 cases of hostage-taking were reported among relief workers, as well as abductions by tribal militias, accompanied by cattle raiding and looting of goods. The Bahr al Ghazal area remained highly insecure during the entire period owing to the presence in the area of armed groups led by dissident commander Kerubino Kwnayan Bol, who from July 1994 regularly raided Gogrial and the surrounding areas, killing civilians, looting, abducting people and terrorizing the population (see also A/49/539, para. 60).

66. The most serious incident took place in Ganyiel region on the night of 30 July 1995, when a large group of men from Akot, approximately half of them wearing uniforms and carrying weapons, some with radio sets and walkie-talkies, attacked at 3 a.m. two villages, Manyal and Guk, situated north-west of Ganyiel. Later the attackers split into three groups and continued the assault on villages east-south-east and south of Ganyiel. According to information provided by local chiefs, 210 people were killed, out of whom 30 were men, 53 were women and 127 were children. Seven children were reported missing; since their bodies were not recovered in the following days, it was believed that they had been abducted. Eyewitnesses reported that some of the victims, mostly women, children and the elderly, were caught while trying to escape and killed with spears and pangas. M. N., a member of the World Food Programme (WFP) relief committee at Panyajor, lost four of her five children (aged 8-15 years). The youngest child was thrown into the fire after being shot. D. K. witnessed three women with their babies being caught. Two of the women were shot and one was killed with a panga. The babies were all killed with pangas. A total of 1,987 households were reported destroyed and looted and 3,500 cattle were taken.

67. The detailed report of 14 August 1995 by OLS based on field investigation concludes that:

> "The attack on Ganyiel was a systematic, organized and planned intervention in which a large number of armed and equipped soldiers took part and committed atrocities against the local population. There can be little doubt that the soldiers involved belong to SPLA. While there is no evidence to suggest that the attack was formally sanctioned or approved by military commanders either at the most senior level or locally, it is hard to believe that so many men could have become involved without the knowledge of the local commander. None the less, responsibility for the attack clearly lies with SPLA/M and, as such, is a clear violation of the new ground rules. In addition, the attack represents a clear violation of

the traditions of the Dinka people which provide a very strict and humane code of conduct for behaviour during conflict, which included the protection of women, children, the elderly and unarmed men from attacks."

68. The Special Rapporteur received testimonies on the extrajudicial killings of civilians accused of cooperation with the Government of the Sudan by SPLA soldiers. For instance, an eyewitness told the Special Rapporteur that on 18 February 1995 in Mangalatore, SPLA soldiers shot dead two young women, Jeska Poni (18 years) and Margret Jokudu (16 years), and two men, Stanely Soro (20 years) and James Kuva (23 years), because "they refused to comply with their orders". On 8 June 1995 in Lanya, SPLA soldiers executed Josten Lupai (39 years) and Charity Nyoka (28 years) based on the accusation that they had collaborated with the Government of the Sudan. Several instances of looting and ill-treatment of civilians by SPLA soldiers were also reported.

69. In the second half of August 1995, interfactional fighting was reported in Yuai area between SSIA and forces led by William Nyon Bany, resulting in the relocation of relief staff from Waat. Insecurity was reported again in Thiek Thou. Fighting took place on 28 August, after it was reported that dissident commander Kerubino Kwanyan Bol and his forces had left Gogrial four days earlier. These reports among others strengthen once again the urgent need for a full-time monitoring operation of the situation of human rights in the Sudan.

III. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

70. Since the renewal of his mandate by the Commission on Human Rights in March 1995, the Special Rapporteur has continuously received information and reports on violations of the whole range of universally recognized human rights in the Sudan. The Special Rapporteur had no access to the Sudan during this period, for reasons never explained adequately by the Government of the Sudan. As mentioned, the Special Rapporteur has received no response to his letter dated 28 July 1995 addressed to the Permanent Mission of the Sudan to the United Nations Office at Geneva requesting permission to visit the Sudan.

71. The Special Rapporteur carried out a fact-finding mission to Kenya, Uganda and Eritrea during the period under review, and in the meantime was assessing the possibilities of the placement of human rights monitors in such locations as would facilitate improved information flow and assessment and would help in the independent verification of reports on the situation of human rights in the Sudan. During the mission, the Special Rapporteur met with government representatives of the visited countries, representatives of United Nations agencies, international non-governmental organizations and Sudanese organizations operating in these countries, as well as with individuals, in principal Sudanese refugees who were victims of human rights violations or who had witnessed such violations and provided testimonies about the current situation of human rights in the Sudan. These testimonies, corroborated by information received from a large variety of reliable, independent sources, are

the basis for the descriptions, conclusions and recommendations contained in the present report.

72. After careful study, comparison and verification of all the information received, the Special Rapporteur concludes, as he did in the previous reports submitted to the General Assembly and the Commission on Human Rights, that grave and widespread violations of human rights by government agents, as well as abuses by members of parties to the conflict in southern Sudan other than the Government of the Sudan, continue to take place in the zones controlled by them, including extrajudicial killings, enforced or involuntary disappearances, abductions, slavery, systematic torture and widespread arbitrary arrests of suspected political opponents.

73. With regard to the violations committed in the conflict zones by parties other than the Government of the Sudan, the Special Rapporteur should mention in addition the following: most of the reported gross violations and atrocities, especially killings and abduction of civilians, looting and hostage taking of relief workers, were committed during 1995 by dissident commanders, mainly those who had split from SSIA in previous years. SPLA bears responsibility for the violations and atrocities committed in 1995 by local commanders from its own ranks, although it has not been proved that they committed these actions on orders from the senior leadership, nor is it known whether they have been or will be pardoned by superiors. As noted in paragraph 47 above, both SPLA leader John Garang and SSIA leader Riek Machar signed in July and August 1995 an agreement on ground rules with OLS in which both expressed their support of the provisions of the Convention on the Rights of the Child and the Geneva Conventions of 1949 and the 1977 protocols additional to the Geneva Conventions. The Special Rapporteur welcomes this development and is looking forward to receiving reports about the full implementation of this agreement. The Special Rapporteur also urges the two signatories to the document to treat in practice the relevant provisions of the cited international instruments as not only worthy of support, but as unequivocal and unilaterally assumed obligations and to direct their future actions in this spirit. In this respect, both SPLA and SSIA senior leadership should take the necessary measures without delay to prevent future violations by investigating the cases brought to their attention and holding responsible the perpetrators, with special regard to the Ganyiel incident described above.

74. Women and children continue to be among the most vulnerable groups targeted deliberately by agents acting for and in the name of the Government of the Sudan. In this respect the following must be taken into consideration:

(a) The passivity of the Government of the Sudan regarding the cases of slavery, servitude, slave trade, including the abduction of women and children, traffic in and sale of children, forced labour and similar institutions and practices brought to its attention;

(b) The Government of the Sudan's complete disregard of the calls upon it by the Commission on Human Rights in its resolution 1995/77 to put to an end these practices and to hold responsible the perpetrators in conformity with the relevant provisions of the Sudanese Criminal Act of 1991;

(c) The lack of measures to ensure that children and women, as well as other members of racial, ethnic and religious minorities, are protected from violations, atrocities and abuses of this type;

(d) That the Sudan is a signatory party to the 1926 Slavery Convention and the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery;

(e) That according to persistent reports and testimonies received by the Special Rapporteur personally, as well as to findings based on field investigations in southern Sudan and in the Nuba Mountains by independent human rights organizations during the past three years, converging on the fact that victims of these violations are exclusively persons belonging to racial, ethnic and religious minorities from southern Sudan, the Nuba Mountains area and the Ingassema Hills, and the perpetrators belong to the armed forces, PDF, local militias armed by the Government of the Sudan and groups of mujahidin fighting together with the army in southern Sudan.

75. The Special Rapporteur cannot but conclude that the abduction of persons, mainly women and children belonging to racial, ethnic and religious minorities from southern Sudan, the Nuba Mountains and the Ingassema Hills area, their subjection to the slave trade, including traffic in and sale of children and women, slavery, servitude, forced labour and similar practices are taking place with the knowledge of the Government of the Sudan. The manifest passivity of the Government of Sudan in this regard after years of reporting and calls upon it by United Nations organs and international non-governmental organizations affiliated with the United Nations and the subsequent lack of any measures to protect Sudanese citizens from these practices lead to the conclusion that abductions, slavery and institutions and practices similar to slavery are carried out by persons acting under the authority and with the tacit approval of the Government of the Sudan. The overwhelmingly dominant racial connotation of this phenomena and the fact that the abductions take place mostly in a war-affected area are to be considered as particularly aggravating circumstances.

76. The Special Rapporteur wishes to emphasize once again, as he did in all of his previous reports, that, according to the information available to him, almost all aspects of life and all categories and strata of the population are affected by violations of human rights committed by agents of the Government or by abuses against the life, security and freedom of the individual committed by members of parties to the armed conflict in southern Sudan other than the Government of the Sudan.

77. The Special Rapporteur notes with regret that he cannot report on any improvement of the situation of human rights in the Sudan between January 1995 and the date of the present report. To the contrary, information from the Nuba Mountains indicate that atrocities on the indigenous population there have intensified, as revealed by recent reports on the abduction of hundreds of Nubans, on the desecration of mosques, continuing destruction of churches and harassment of local imams and clergymen. In the final report, the Special Rapporteur intends to dedicate a separate chapter to the situation of human rights in the Nuba Mountains.

78. The Special Rapporteur notes that no aerial bombardments took place in southern Sudan between the end of May and mid-August 1995, which was not the case in the Nuba Mountains area where, as mentioned in paragraph 10 above, on 21 June 1995 22 bombs were dropped on the village of Regifi and surroundings. As mentioned, according to the latest reports, the indiscriminate and deliberate aerial bombardments on civilian targets began again in September 1995 (Nimule, Mughale, Chukudum).

79. Regarding the humanitarian situation in southern Sudan however, some important positive developments took place in 1995. During a four-month cease-fire from 28 March 1995 a guinea-worm vaccination campaign was carried out in large areas of southern Sudan, although SPLM/A and SSIM/A sources complained to the Special Rapporteur that access was denied to a number of locations under government control. Since March 1995 OLS had been denied access by the Government to many locations, including villages situated in guinea-worm endemic areas, such as Kongot and Boma in Eastern Equatoria. In February 1995 OLS had access to 96 locations in southern Sudan, compared with 90 in May.

80. As a further positive development, the family reunification process which started in southern Sudan with the assistance of UNICEF should also be mentioned, as well as the series of training courses and seminars held with UNICEF/OLS assistance. For example, Dr. Magna Raundalen led a seminar on counselling techniques for teachers working with traumatized children at Natinga on 17 and 18 August. The seminar was the first of its kind in Natinga, the home of 1,700 unaccompanied minors. The following week Dr. Raundalen conducted follow-up seminars at Leer for teachers he had worked with two years previously.

81. Taking into consideration all the aspects of the situation as described, the Special Rapporteur states as a general conclusion of the present interim report that the seriousness of the situation of human rights in the Sudan should be kept under a continuous and intensified monitoring and consideration by the competent United Nations organs.

B. Recommendations

82. In the light of the above conclusions, the Special Rapporteur recommends that:

(a) The Government of the Sudan abide by its human rights obligations under international law and take steps to give effect to the recommendations made by the General Assembly and the Commission on Human Rights in resolutions on the situation of human rights in the Sudan. The Special Rapporteur recalls in this respect Commission on Human Rights resolutions 1994/79 and 1995/77, in which, inter alia, it called upon the Government to comply with applicable international human rights instruments and to bring its national legislation into accordance with the instruments to which the Sudan was a party, and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in those instruments;

(b) The Government of the Sudan cease immediately the deliberate and indiscriminate aerial bombardments of civilian targets;

(c) The Government of the Sudan release all political detainees and prisoners, cease all acts of torture and cruel, inhuman and degrading punishment and close down all secret detention centres, ensure that all accused persons are granted due process of law and lawyers and family members are allowed to visit them; ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, accede to the Convention on the Elimination of All Forms of Discrimination against Women, and sign the First Optional Protocol to the International Covenant on Civil and Political Rights and the Second Protocol to the Geneva Conventions;

(d) The Government of the Sudan ensure that its security forces, army, police forces, PDF and other paramilitary or civil defence groups be properly trained and act in compliance with the standards set forth under international law, and those responsible for violations be brought to justice. In this connection, the Special Rapporteur calls for a thorough investigation of all reported cases of violations, in particular those in which women and children are victims, and the investigation by an independent judicial commission of inquiry of the killings of Sudanese employees of foreign organizations, bringing to justice those responsible for the killings and providing just compensation to the families of victims;

(e) The Government of the Sudan stop without delay the rounding up of children from the streets in major towns under its control, release all children from special camps or any other places where they are being held against their will, make all efforts necessary to reunite them with their families and to ensure proper and decent living conditions for the orphans. The Special Rapporteur wishes to recall in this regard paragraph 10 of Commission on Human Rights resolution 1995/77 in which the Commission urged the Government of the Sudan to terminate policies or activities that support, condone, encourage or foster the sale of or trafficking in children, the separation of children from their families and social backgrounds, or that subject children to forced internment, indoctrination or cruel, inhuman or degrading treatment or punishment. The Government of the Sudan should also revise its general policy concerning children living or working in the street, a real social problem in the Sudan, clarify its legislation in this regard and make sure that the applicable laws are in full conformity with the Convention on the Rights of the Child;

(f) The Government of the Sudan provide free access to all areas of the country, in particular to the Nuba Mountains and all locations in southern Sudan, to regional and international humanitarian organizations and representatives of human rights organizations, including human rights monitors envisaged in Commission on Human Rights resolution 1995/77;

(g) The Government of the Sudan carry out immediate investigations into previously reported human rights violations in the Nuba Mountains and other government-controlled areas in southern Sudan. In this connection, the Special Rapporteur recommends that the Government of the Sudan publicly and unequivocally dissociates itself without delay from the reported cases of

abduction of persons, especially women and children belonging to racial, ethnic and religious minorities from southern Sudan, the Nuba Mountains and the Ingassema Hills areas, the subjection of these persons to slavery, the slave trade and similar institutions and practices by agents acting under government authority;

(h) The Government of the Sudan and the other parties involved in the armed conflict in central and southern Sudan agree as soon as possible on a cease-fire and intensify their efforts to come to a peaceful solution. The Special Rapporteur calls upon all parties to the conflict to prevent violence by their agents against civilians, including torture, extrajudicial executions and other deliberate and arbitrary killings, and arbitrary detention. The Special Rapporteur calls upon all parties to apply strictly the agreements reached with OLS regarding unimpeded delivery of relief to those in need. The Special Rapporteur recommends to the General Assembly that it urge all parties to the conflict to begin negotiations on the enlargement of the existing tranquillity corridors in order to decrease the flow of Sudanese refugees in the neighbouring countries;

(i) The Government of the Sudan address the problem of displacement and create the appropriate conditions for displaced persons and Sudanese refugees in neighbouring countries to return to their homelands;

(j) The situation of human rights in the Sudan be kept under continuous and intensified monitoring and consideration. In this regard, monitors should be placed at the earliest possible date in such locations as would facilitate improved information flow and assessment and would help in the independent verification of reports on the situation of human rights in the Sudan.